

Application No. 09/955,889  
Preliminary Amdt. dated November 10, 2003  
Reply to Office Action of August 8, 2003



Attorney's Docket No.: 42390P9484D

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TECHNOLOGY CENTER R3700  
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Sabina J. Houle et al. ) Conf. No.: 1451  
U.S. Serial No: 09/955,889 ) Examiner: Flanigan, Allen J.  
Filed: September 18, 2001 ) Art Unit: 3743  
For: CARBON-CARBON AND/OR )  
METAL-CARBON FIBER )  
COMPOSITE HEAT SPREADER )

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

In response to the Final Office Action mailed August 8, 2003 and the Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 filed concurrently herewith, Applicant respectfully requests the Examiner to enter this preliminary amendment and consider the remarks prior to examination of the above referenced case

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on November 10, 2003  
Date of Deposit

Claire Wallters  
Name of Person Mailing Correspondence

Claire Wallters 11/10/2003  
Signature Date

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TECHNOLOGY CENTER R3700

REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

#11  
K copper  
11-20-03

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/955,889

Filing Date September 18, 2001

First Named Inventor Sabina J. Houle

Art Unit 3743

Examiner Name Flanigan, Allen J.

Attorney Docket No. 42390P9484D

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)

ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii.  Other \_\_\_\_\_

b.  Enclosed

i.  Preliminary Amendment/Reply 11/14/2003 SDIRETAI 00000072 09955889  
ii.  Affidavit(s)/Declaration(s) 01 FC:1801 770.00 OP  
iii.  Information Disclosure Statement (IDS)  
iv.  Other

2. **Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)

b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_

i.  RCE fee required under 37 C.F.R. § 1.17(e)  
ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)  
iii.  Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action  
iv.  Other \_\_\_\_\_

b.  Check in the amount of \$ 770.00 enclosed  
c.  Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Heather M. Molleur

Registration No. (Attorney/Agent) 50,432

Signature

*Heather M. Molleur*

Date 11/10/2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Claire Wallters

Signature *Claire Wallters*

Date 11/10/2003

Express Mail No. (only if applicable): \_\_\_\_\_

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AMENDMENT TRANSMITTALPATENT

Application No. 10/555,889  
Filing Date: September 18, 2001  
First Named Inventor Sabina J. Houle  
Examiner's Name: Flanigan, Allen J.  
Art Unit: 3743  
Attorney Docket No.: 42390P9484D

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An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment  
 Amendment/Response with respect to Office Action  
 Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)  
 Notice of Appeal  
 RCE (Request for Continued Examination)  
 Supplemental Declaration  
 Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)  
 Information Disclosure Statement (IDS)  
 Copies of IDS citations  
 Petition for Extension of Time  
 Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)  
 Cross-Reference to Related Application(s)  
 Certified Copy of Priority Document  
 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Check(s)  
 Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Heather M. Molleur

REG. NO.: 50,432

SIGNATURE: Heather M. MolleurDATE: 11/10/2003

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

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Date of Deposit

Claire Wallters

Name of Person Mailing Correspondence

Claire Wallters

Signature

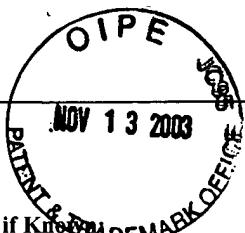
11/10/2003

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

(10/14/03)

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450**BEST AVAILABLE COPY**



## FEE TRANSMITTAL FOR FY 2004

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 770.00

Complete if Known  
 Application No. 09/955,889  
 Filing Date September 18, 2001  
 First Named Inventor Sabina J. Houle  
 Examiner Name Flanigan, Allen J.  
 Art Unit 3743  
 Attorney Docket No. 42390P9484D

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TECHNOLOGY CENTER R3700

Applicant claims small entity status. See 37 CFR 1.27.

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account  
 Deposit Account Number : 02-2666  
 Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:  
 Charge fee(s) indicated below.  
 Credit any overpayments.  
 Charge any additional fees during the pendency of this application.  
 Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.  
 Charge fee(s) indicated below except for the filing fee.

### FEE CALCULATION

#### 1. BASIC FILING FEE

<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>
1001	7702001	385		Utility application filing fee
1002	3402002	170		Design application filing fee
1003	5302003	265		Plant filing fee
1004	7702004	385		Reissue filing fee
1005	1602005	80		Provisional application filing fee

Fee Paid

SUBTOTAL (1) \$ 0

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

<u>Extra Claims</u>				<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>10</u>	<u>- 15**</u>	<u>= 0</u>	X	<u>=</u>
Independent Claims	<u>2</u>	<u>- 3**</u>	<u>= 0</u>	X	<u>=</u>
Multiple Dependent					<u>=</u>

\*\*Or number previously paid, if greater; For Reissues, see below.

#### Large Entity Small Entity

Fee	Fee	Fee		
Code	(\$)	Code	(\$)	<u>Fee Description</u>
1202	182202	9		Claims in excess of 20
1201	862201	43		Independent claims in excess of 3
1203	2902203	145		Multiple dependent claim, if not paid
1204	862204	43		**Reissue independent claims over original patent
1205	182205	9		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0



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FEE CALCULATION (continued)

NOV 13 2003

NOV 19 2003

TECHNOLOGY CENTER R3700

3. ADDITIONAL FEES

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Description	
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1813	8,800	1813 8,800 Request for inter parties reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing a brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	2809 385 For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	2814 55 Statutory Disclaimer	
1810	770	2810 385 For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	770.00
1802	900	1802 900 Request for expedited examination of a design application	
1504	300	1504 300 Publication fee for early, voluntary, or normal pub.	
1505	300	1505 300 Publication fee for republication	
1803	130	1803 130 Request for voluntary publication or republication	
1808	130	1808 130 Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,330	1454 1,330 Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 770.00**

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Heather M. Molleur

Signature: Heather M. Molleur Date: 11/10/2003

Reg. Number: 50,432 Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450